REMARKS

The Office Action of August 14, 2009 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1-3, 7, 9-11, 13, and 16-23 remain in the application. Reconsideration of the claims is respectfully requested.

Status of the claims: Claims 1-3, 7, 9-11, 13, and 16-23 are rejected under 35 U.S.C. § 103(a).

Claims 1-3, 9, 11, 13, 17, 20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser, et al. (U.S. Patent Publication No. 2001/0034223) in view of Tagawa, et al. (U.S. Patent No. 5,949,152). The Examiner asserts that the combination of Rieser and Tagawa renders obvious independent claims 1, 11, and 17.

In response thereto, Applicant respectfully disagrees with the Examiner's assertion stated above. Applicant's independent claim 11 is directed to a method for providing medical information of a vehicle user. The method includes, in part, i) transmitting an encryption code from a key device to a vehicle storage unit and temporarily storing the encryption code prior to an emergency event, and ii) in response to an emergency event, transmitting the encryption code from the vehicle storage unit ***to an in-vehicle telematics unit*** and then to a call center. Claim 11 has been amended herein to further recite that the key device corresponds to a particular vehicle, the telematics unit corresponds to the particular vehicle, and the emergency event involves the particular vehicle. Support for these new recitations may be found throughout Applicant's application as filed, at least at page 11, line 2, page 14, lines 10-11, and Fig. 1. Independent claims 1 and 17 have been amended similar to claim 11, and claims 7 and 23 have been amended in order to conform to amended claim 1.

The Rieser reference discloses that the base station may be a mobile base station (such as, e.g., a campus police vehicle). When an emergency event occurs,

the identification number of the transmitter may be transmitted to the mobile base station, and identification information (e.g., medical history) may be retrieved from a database at the mobile base station (see paragraphs [0032], [0033], and [0075] of Rieser). Thus, when an emergency event occurs, the identification number is transmitted from the user of the transmitter to the mobile base station (e.g., the campus police vehicle). Applicant points out that the mobile base station in Rieser is ***not*** the vehicle actually involved in the emergency event. Thus, the identification number is ***not*** transmitted from the key device ultimately to ***the vehicle actually involved in the emergency event***.

Additionally, amended claims 1, 11, and 17 recite that the encryption code is transmitted from a transient memory storage to a ***telematics unit*** of the vehicle. In sharp contrast, Rieser discloses that "[a] wireless communications link can be used to connect a mobile base station to a remote command center..." (paragraph [0075]). Applicant submits that Rieser neither discloses nor suggests that the wireless communication link involves a telematics unit or other vehicle-dedicated communications technology.

Applicant submits that the Tagawa reference *fails* to supply the deficiencies of Rieser noted above. Tagawa discloses an antitheft system for a vehicle having an immobilizer unit that reads an identification code transmitted by an ignition key (see abstract and column 4, lines 50-58 of Tagawa). The identification code is transmitted when the ignition key turns on the ignition switch of the vehicle (column 4, lines 59-63). Applicant submits that Tagawa does *not* disclose transmitting the identification code when the vehicle is involved in an emergency event.

Tagawa further discloses that the identification code is transmitted from the ignition key to the immobilizer unit and, if the identification code on the ignition key does not correspond with the registered identification code, the immobilizer unit automatically changes the function mode of an engine controlling unit to prohibit starting up the engine (see column 4, lines 50-58). It is submitted that Tagawa does

not disclose or even suggest transmitting the identification code to a telematics unit or to another vehicle dedicated communications device.

For all the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 1, 11, and 17, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Rieser and Tagawa, either alone or in combination, and patentably defines over the art of record.

Claims 16 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser and Tagawa, and further in view of McCalmont, et al. (U.S. Patent Publication No. 2003/0109245). For the reasons stated above, it is submitted that independent claims 1 and 11, from which claims 19 and 16 depend, respectively, is patentable. Applicant submits that claims 16 and 19 are also patentable because of their dependency from claims 11 and 1, respectively. As such, it is submitted that Applicant's invention as defined in claims 16 and 19 is not anticipated, taught, or rendered obvious by Rieser, Tagawa, and McCalmont, either alone or in combination, and patentably defines over the art of record.

Claims 7, 10, 18, 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser and Tagawa, and further in view of Treyz, et al. (U.S. Patent No. 6,526,335). For the reasons stated above, it is submitted that independent claim 1 (from which claims 7 and 10 depend), independent claim 11 (from which claims 21 and 23 depend), and independent claim 17 (from which claim 18 depends) are patentable. Applicant submits that claims 7, 10, 18, 21, and 23 are also patentable because of their dependency from one of claims 1, 11, and 17. As such, it is submitted that Applicant's invention as defined in claims 7, 10, 18, 21, and 23 is not anticipated, taught, or rendered obvious by Rieser, Tagawa, and Treyz, either alone or in combination, and patentably defines over the art of record.

It is submitted that the absence of a reply to a specific rejection, issue or comment in the instant Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this Amendment should be construed as an intent to concede any issue with regard to any claim, except as

specifically stated in this Amendment, and the amendment of any claim does not signify concession of unpatentability of the claim prior to its amendment.

In summary, claims 1-3, 7, 9-11, 13, and 16-23 remain in the application. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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